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# Camden Maine Town Charter

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# TOWN OF CAMDEN

## C H A R T E R

Certified: \_\_\_\_\_  
Chair of Select Board Date

Town Clerk: \_\_\_\_\_  
Beth MacDonald Date

Includes amendments through September 18, 2000  
Amended June 10, 2003, Annual Town Meeting Article 3

**I N D E X**  
Town of Camden  
Charter

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# **TOWN OF CAMDEN**

## **"CHARTER"**

An act to retain a Town Manager form of government for the Town of Camden.

Pursuant to the provisions of Title 30, Section 1912 of the laws of the State of Maine, the voters of the Town of Camden at an election voted to adopt the following charter entitled "Charter of the Town of Camden."

### **ARTICLE I Powers of the Town**

#### **Section 1 Incorporation**

WHEREAS, The Plantation of Camden, in the territory of Maine, had in the year 1790 with a population of 331 attained to a sufficient size and importance to be under Town Government and an application to the General Court of the Commonwealth of Massachusetts had been filed by an Act dated February 17, 1791, the Plantation of Camden became the Town of Camden continuing as such until February 25, 1891, when by an Act of the Legislature of the State of Maine, Camden separated from Rockport, so the old Town of Camden ceased to exist and the present Town of Camden came into existence, and shall continue to be a municipal corporation under the name of the Town of Camden established by and in accordance with the Private and Special Laws of the State of Maine for the year 1891.

#### **Section 2 Powers of the Town**

The Town\* shall have all powers possible for a municipality to have under the Constitution and laws of Maine. The powers of the Town under this charter shall be construed liberally in favor of the Town, and no mention of particular powers in the charter shall be construed to be exclusive or as limiting in any way the general power stated in this article.

\*Defined in glossary as are all other terms indicated by an asterisk.

#### **Section 3 Intergovernmental Relations**

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof, or of the United States or any agencies thereof to the extent permitted by law.

#### **Section 4 Town Meetings**

- a) On and after the passage of this Charter Amendment by adoption by a vote of the Town of Camden, annual Town Meetings shall be held in the Town of Camden, County of Knox, for purposes of vote by secret ballot within the meaning of Title 30A, Maine Revised Statutes, Section 2524, and for the purposes of then choosing by ballot, as now provided by law, a moderator, on the second Tuesday in June in each year; and for purposes of the conduct and completion of all other business, the Town Meeting shall meet on the immediately following day. (Amended June 9, 1987, March 14, 1988 and March 12, 1990, effective January 1, 1991.)

- b) The complete warrant shall be posted in at least three conspicuous places seven days before town meeting.
- c) deleted
- d) At such meetings as provided in Article 1, Sec. 4, the voters shall choose by ballot those persons not exceeding five in number to be Select Board, overseers\*, tax assessors and wastewater commissioners as provided in Article 11, Sections 1 and 3.
- e) At such meetings as provided in Article 1, Sec. 4, the voters shall choose by show of hands three members and two alternates to serve as a budget committee nominating committee for the following year.
- f) It shall be the duty of this Nominating Committee to submit to the Town Manager not later than April 1, for publication in the Annual Town Report, a slate of nominees to serve on the Budget Committee for three (3) years. A member who has served one 3-year term on the Budget Committee shall not be appointed to a succeeding term.
- g) At least sixty days prior to a regularly scheduled town meeting, the legislative body\* may vote to change the provision of appointment of the treasurer, tax collector and town clerk, as given in Article III, Section 2e, to the election of these officers in accordance with Title 30, Maine Revised Statutes Annotated.
- h) The Office of Treasurer, Tax Collector and Clerk may be held by duly appointed individuals even though such individual is not a resident in the Town of Camden during his or her term of office. (Amended June 9, 1987)

State Law Reference: Title 30, Sections 2051-2067

#### **Section 5 School Administration**

In the event that the Town shall be required to operate its own school system,  
the voters shall provide by ordinance for the administration of such a system.

State Law Reference: Title 20-A, generally

**CHARTER  
TOWN OF CAMDEN  
ARTICLE II Select Board**

**Section 1 Composition**

The Select Board shall consist of five members.

**Section 2 Eligibility**

Only qualified voters of the Town shall be eligible to hold the office of selectman. Selectmen shall reside in the Town during their term of office.

**Section 3 Election and Terms**

Such members shall be elected to serve staggered three-year terms. At each regular municipal election, Board\* members shall be elected to fill those positions that have become vacant.

**Section 4 Organizational Meeting**

The members of the newly constituted Board shall meet within twenty-four hours after their election, and they shall organize to the extent possible as follows:

- a. elect a Board chairman and vice-chairman;
- b. elect a secretary;
- c. confirm town officers\* as necessary;
- d. may appoint the Town Manager to act as their agent as overseers;
- e. \*appoint a Town Attorney and Police Chief and appoint a Fire Chief in accordance with Article IV, Section 1(a) of this charter; and
- f. elect one or more members of the Board to act as authorized representatives of the Board to sign warrants for expenditure of funds.

**Section 5 Appointments**

- a. Said Select Board shall, by ballot and three-fifths vote, not later than at the third regular meeting and after said organizational meeting, review, appoint, renew, or reappoint a Town Manager as the situation requires provided, however, that any contract entered into by and between the Select Board and the Town Manager shall not exceed three years, said office of Town Manager being hereby created; and a health officer, neither of whom shall be a member of the Select Board.
- b. All other necessary town officers and boards now or hereafter provided by general statute or town ordinance shall be appointed by the Select Board within thirty days.

State Law Reference: 30 MRSA. Sec. 2311 et seq.; and Section 2256; 22 MRSA, Section 451

\*Historical note: Amended June 10, 2003 annual town meeting, article 3



## **Section 6 Compensation**

The members of the Select Board shall receive annual compensation for their services as Select Board, assessors and overseers. That annual compensation shall be the amount of one thousand dollars (\$1,000) for each member of the board. Members serving unexpired terms shall be paid on a prorated basis for time served. Members of the Select Board shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office. (Enacted March 13, 1989)

## **Section 7 Chairman**

The chairman, or vice-chairman in his absence, shall preside at meetings of the Board and shall be recognized as head of the town government for all ceremonial purposes and by the governor for purposes of military law, but he shall have no regular administrative duties. The chairman shall exercise his vote in town affairs as a regular member of the Board. The chairman or vice-chairman is also responsible for calling special meetings of the Board when such meetings are warranted.

## **Section 8 Secretary**

The secretary, elected as such by the Board members, shall be charged with the following duties and responsibilities:

- a. be responsible for the keeping of the register or journal of proceedings which shall accurately reflect all actions and proceedings undertaken by the Board;
- b. be responsible for the recording of proceedings as provided in Article II, Sec. 12;
- c. shall give notice of regular and special meetings to its members and to the public;
- d. shall be responsible for depositing with the town clerk all records which are required to be kept by the Board permanently; and e. shall perform such other duties as are assigned to him or her by this charter, the Board, or vote of the Town.

## **Section 9 Prohibitions**

- a. Holding other office. No member of the Select Board shall serve as an employee of the Town except that only one member of the Select Board may serve in anyone year who is also a part-time employee of the Town of Camden. A part-time employee shall be an employee who regularly works less than twenty hours a week and who is not salaried. (Effective June 11,1980)
- b. Appointments and Removals. Neither the Board nor any of its members shall dictate the appointment or removal of any administrative officers or employees whom the Manager\* or other persons in authority are empowered to appoint or employ.
- c. Interference with Administration. The Board or its members shall deal with town officers or employees who are subject to the direction and supervision of the Town Manager or other persons in authority solely through the Manager or persons in authority. Neither the Board nor its members shall give orders to any such officer or employee either publicly or privately.
- d. Limitations of Board Action. The Select Board shall act as a unit settling all questions by formal vote in an authorized meeting. Members must not act individually unless some duty has been delegated to them by the Board. A formal minority report may be issued by Board members in the minority.

State Law Reference: 30 MRSA, Sec. 2316

## **Section 10 Vacancies; Forfeiture of Office; Filling of Vacancies**

- a. Vacancies. Office of a Board member shall become vacant upon failure to qualify for office within ten days after written demand by the town clerk, non-acceptance, resignation, death, permanent disability, removal in any manner authorized by law, or this charter, or forfeiture of office.
- b. Forfeiture of Office. A Board member shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law (2) violates any express prohibition of this charter (3) or is convicted of a crime or offense which is reasonably related to his ability to serve as a Board member.
- c. Record of Attendance. Failure to attend meetings shall not be grounds for forfeiture of office per se, but a record of attendance and tardiness of Board members at all regular and special meetings shall be published in the annual Town Report.
- d. Filling of Vacancies. A vacancy on the Board must be filled by election for an unexpired term except where such vacancy occurs within 120 days of expiration of term.

State Law Reference: 30 MRSA, Sec. 2253

## **Section 11 Investigations**

The Select Board, or authorized committees, or commissions of its own members, or of citizens appointed by the Board may make investigations into affairs of the Town and the conduct of any town department, office, or agency.

## **Section 12 Procedure**

- a. Meetings. The Board shall, at its organizational meeting or as soon thereafter as possible, establish a time and place for holding its regular meetings and shall meet regularly at least once a month. The location of special meetings shall be determined by the Select Board and shall be held at such time and place as is legal and proper to transact the necessary business at hand. All meetings of the Board shall be open to the public; however, the Board may by a three-fifths vote discuss matters in a closed or executive session to the extent that that matter is a permitted deliberation as identified in Title 1, Section 405(6) Maine Revised Statutes Annotated, and in accordance with the procedures specified in that statute or any other applicable existing statute. Final action on any matter taken up in such closed sessions, except those matters which are permitted or required by law to be acted upon in closed session, shall not be taken by the Board until such matter is placed on the agenda of a regular or special meeting and voted upon thereat.
- b. Rules, Record Keeping and Journal. The Board shall determine at its organizational meeting its own rules and order of business

to be followed by the Board for the ensuing year, such rules to be recorded and made available for public inspection and publication. The Board shall provide for the keeping of an accurate permanent recording\* of its meetings and for maintaining a journal of its proceedings, such recordings and journal to be public record.

- c. Voting. Voting except on procedural motions, shall be by roll call; and the votes of each member shall be recorded in the journal. Three members of the Board shall constitute a quorum. No action of the Board shall be binding or valid unless adopted by affirmative vote of three-fifths of Board members

State Law Reference: 1 MRSA, Sec. 71

### **Section 13 General and Administrative Ordinances**

The Select Board shall have the authority to enact all general and administrative ordinances authorized to be enacted by the municipal officials and shall follow the procedures for enactment as provided by statute. The authority for the enactment of all other ordinances authorized to be enacted by the municipality shall be held in the legislative body except for emergency ordinances as provided in Article II, Sec. 16. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective seven days after adoption unless otherwise specified therein. The Select Board shall have the responsibility for the preparation, publication and delivery of the Annual Town Report, which report shall be delivered at least seven (7) days prior to Town Meeting.

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 22 MRSA, Section 4305

### **Section 14 Articles for the Warrant**

The Select Board on their own initiative may by majority vote place on the warrant any article relating to the welfare of the municipality.

State Law Reference: 30 MRSA, Section 2052

### **Section 15 Petitions for Articles in the Warrant**

Any qualified voter may request the Select Board that an article be placed in the warrant and shall present in written form the substance of the article. If the request is denied by the Board, on the written petition of a number of voters equal to at least ten percent of the number of votes cast in the Town at the last gubernatorial election, the Select Board shall insert that particular article in the next warrant issued or shall call a special town meeting for its consideration.

State Law Reference: 30 MRSA, Sec. 2053

### **Section 16 Emergency Ordinances**

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that pre-adoption, publication, and notice of public hearing requirements may be omitted, provided the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the legislative body with or without amendment at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the 61<sup>st</sup> day following the date on which it was adopted.

## **Section 17 Authentication and Recording of Ordinances**

- a. All ordinances and resolutions adopted by the Board shall be authenticated by the signatures of the chairman and the secretary of the Board and recorded in full by the town clerk in a properly indexed book kept for that purpose.
- b. All ordinances and resolutions adopted by the legislative body shall be authenticated by the town clerk and recorded in full by the clerk in a properly indexed book kept for that purpose.

## **Section 18 Codification\* of Ordinances**

- a. Within three years after adoption of this Charter, the Board shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by a majority vote of the Board and shall be in loose-leaf form together with this charter and any amendments thereto, and with such codes of technical regulations and other rules and regulations as the Board may specify. This compilation shall be known as the Camden Code.
- b. This Camden Code shall be maintained currently by there being inserted all new ordinances and other pertinent material including an indexed record of rescinded ordinances and other changes, and at least every ten years shall be reviewed and updated. Copies of the Code and of new ordinances as enacted shall be made available on request to officials, libraries, and public offices for public reference and made available also for purchase at a reasonable price fixed by the Board.

State Law Reference: 30 MRSA, Sec. 2154

Art. II General Reference: Title 30, Sec. 2060

## **ARTICLE III Town Manager**

### **Section 1 Appointment; Qualifications; Compensation**

The Select Board shall appoint a Town Manager for a term not to exceed three years and shall fix his compensation. The Manager shall be appointed on the basis of his character and his executive and administrative qualifications. He need not be a resident\* of the Town or State at the time of his appointment but may reside outside the Town while in office only with the approval of the Select Board.

### **Section 2 Powers and Duties**

Except where specifically exempted, the Town Manager shall:

- a. be the chief executive and administrative official of the municipality;
- b. be responsible to the Select Board for the administration of all departments and offices over which the Board has control;
- c. execute all laws and ordinances of the municipality;
- d. serve in any office as the head of any department under the control of the Select Board when so directed by the Select Board;
- e. appoint a treasurer, tax collector and town clerk, subject to confirmation by the Select Board, for a term of one year unless amended by vote of the Town in accordance with Article I, Sec. 4g;
- f. appoint, subject to confirmation by the Select Board, supervise and control the heads of departments under the control of the Select Board when the department is not headed by the Town Manager under paragraph d;
- g. appoint, supervise, and control ---unless otherwise provided by municipal ordinance ---all town officers and employees whom the town officials\* are required by statute to appoint, except members of boards, commissions, and committees; and appoint, supervise and control all other officials, subordinates, and assistants subject to the limitations given in subdivision "0" in this section. The Manager may delegate this authority to a head of a department, and report all appointments to the Select Board;
- h act as purchasing agent by establishing purchasing procedures for all departments, except the school department and wastewater department, provided that the Town or the Select Board may require that all purchases greater than a designated amount shall be submitted to sealed bid;
- i. attend all meetings of the Select Board, and such other meetings as the Board may designate, except when his removal is being considered;
- j. make recommendations to the Select Board for the more efficient operation of the municipality;

- k. keep the Select Board and the residents of the municipality informed regarding the financial condition of the Town;
- l. collect data necessary for the preparation of the budget;
- m. assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices;
- n. have exclusive authority to remove for cause after notice and hearing all persons whom he is authorized to appoint and report all the removals to the Select Board; and
- o. not interfere with the operation of the various departments of the Town except through the department head and shall not independently direct employees except in the absence of a person in authority.
- p. cause to be prepared an annual Town Report pursuant to Title 30-A M.R.S.A Section 2801.

### **Section 3 Removal**

The Town Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure:

- a. The Select Board shall file with the town clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Manager within 10 days of filing.
- b. The Manager may within 20 days of receiving the resolution reply in writing and may request a public hearing.
- c. Upon request for a public hearing, the Select Board shall hold one not earlier than 10 days after the request is filed and not later than 30 days.
- d. After the public hearing or at the expiration of the time permitted the Manager to request the public hearing, if no such request is made, the Select Board may adopt or reject the resolution of removal.
- e. The Select Board may suspend the Manager from duty in the preliminary resolution, but in no event shall the Manager's salary be affected until the final resolution of removal has been adopted.

### **Section 4 Absence or Disability**

The Town Manager may designate a qualified administrative official of the municipality to perform his duties during his temporary absence or disability, subject to the confirmation by the Select Board. In the event of his failure to make such designation, the Select Board may appoint an officer of the municipality to perform the duties of the Manager during such absence or disability and until he shall return or his disability shall cease.

Article III General Reference: 30 MRSA, Sec. 2311 et seq.

## **ARTICLE IV Administrative Organization**

### **PART A General Provisions**

#### **Section 1 Titles and Appointments**

- a. The following officers and boards shall be appointed by a majority vote of the members of the Select Board: agent for overseers, planning board, zoning board of appeals, board of assessment review, conservation commission, and such other boards and officers when appointment is required by state or federal law or municipal ordinance. The Board may, where appropriate and where not prohibited by law, vest in the Town Manager all or part of the duties of any office. Such annual appointments shall be made at the organizational meeting or as soon thereafter as possible.
- b. With the exception of the police chief, the fire chief, and the town attorney, the Town Manager shall appoint department heads, town clerk, town treasurer, and tax collector subject to confirmation of the Board, and shall have the power to remove such appointees when necessary and in accordance with the laws of the State of Maine. All other administrative officers and employees shall be appointed or may be removed by the Town Manager or his authorized subordinate except as otherwise provided in this charter.

#### **Section 2 Creation of Departments**

The Select Board may establish departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices or agencies, except that no function assigned by this charter to a particular department, office, or agency may be discontinued or assigned to any other, unless this charter specifically so provides.

#### **Section 3 Direction by Manager**

All departments, offices, and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Town Manager.

#### **Section 4 Interdepartmental Planning**

It shall be the duty of the Town Manager---or with the approval of the Select Board, a person or department designated by the Town Manager---to establish and supervise an ongoing interdepartmental planning and review program for the purpose of coordinating activities of any department, agency or commission of the Town which may have a substantial effect on activities of other departments, agencies, or commissions within the Town.

#### **Section 5 Duties and Obligations of Office**

In addition to those duties and responsibilities established by statute, it is provided that the town clerk, tax collector, and treasurer shall maintain their offices at the municipal building or at such place of business provided by the Town for that purpose. All documents, books, and records pertaining to their office shall be maintained at their offices, and all business transacted ~ on behalf of the Town by these officers shall be carried on at their place of business. Regular office hours shall be maintained.

#### **Section 6 Bonds**

The Select Board shall require a bond by a reputable surety company, or other acceptable sureties satisfactory to the Board, from all persons trusted with the collection, custody or disbursements of any moneys of the Town provided, however, that the Town shall pay the costs of providing such bonds.

State Law Reference: 30 MRSA, Sec. 2351, Sec. 5001; 36 MRSA, Sec. 755



## **Part B Personnel Administration**

### **Section 1 Municipal Policy**

- a. The Town of Camden is an equal opportunity employer and as such will pursue in good faith affirmative action programs.
- b. It shall be the policy of the Town of Camden to appoint, assign, and promote personnel on the basis of merit and fitness without regard to race, color, religious creed, national origin, sex, ancestry, age or physical handicap, or military status unless related to bonafide occupational qualifications.
- c. The Town of Camden shall prepare an affirmative action program for the Town in accordance with criteria established by state and federal law.

### **Section 2 Personnel Board**

- a. The personnel board of the Town of Camden is hereby established. It shall be comprised of five (5) members, three (3) to be elected by the Town voters, one appointed by the Select Board, and one a full-time town employee, elected by a majority of full-time Town employees covered by the general provisions of the personnel policy, who are voting. The terms of the members of the board shall be staggered three-year terms and until their successor is appointed and qualified. Vacancies in the membership of the board shall be filled within 90 days after the vacancy occurs by a vote of the Select Board for the unexpired portion of the term. Members of the board shall receive no compensation for their services except for reimbursement for their actual necessary authorized expenses.
- b. Nominees for membership on the personnel board, except for the town employee member, should be persons experienced and familiar with the principles and techniques of personnel administration on the merit basis, except for the town employee member.

### **Section 3 Personnel Director**

- a. The Town Manager ---or with the consent and approval of the Select Board, a person appointed by the Town Manager ---shall serve as personnel director and as recorder to the personnel board.
- b. It shall be the duty and responsibility of the personnel director to administer the personnel department in accordance with the rules and regulations established by the personnel board.

### **Section 4 Duties of Personnel Board**

- a. Regulatory Duties It shall be the duty and responsibility of the personnel board to:
  - (1) elect one of its members to act as chairman of the group;
  - (2) arrange for internal organization of the board as the board may deem proper and for the best interests of the furtherance of a personnel system for the Town of Camden;

- (3) establish rules and regulations pertaining to the establishment and maintenance of a personnel department for the Town;
- (4) establish a classification plan for full-time employees;
- (5) ascertain and record the duties and responsibilities of all full-time non-exempt positions in the service of the Town;
- (6) affix classification of all full-time positions according to duties and responsibilities;
- (7) establish a compensation plan for full-time employees;
- (8) establish criteria for appointment or employment to positions according to classification;
- (9) establish rules and regulations pertaining to:
  - (a) full-time, part-time, temporary and provisional employees;
  - (b) probationary period;
  - (c) (c) transfer;
  - (d) reinstatement;
  - (e) (e) demotion;
  - (f) suspension, lay-off, and dismissal; and .
  - (g) leave of absence, vacation, hours of service, and sick leave.
- (10) establish rules, regulations, and policy pertaining to:
  - (a) personnel records;
  - (b) in-service training;
- (11) The terms full-time, part-time, temporary and provisional shall have the meaning identical to the definition of those terms in Article III of the Personnel Policy of the Town of Camden.

b. Records and Reports. It shall be the duty and responsibility of the personnel board to:

- (1) keep full and complete minutes of its proceedings which shall, subject to reasonable regulations, be open to the public; and
- (2) receive, review, and transmit to the Select Board and to the citizens of the Town an annual report of the activities of the board; the report may include comments, criticism, or suggestions for the more effectual accomplishment of the purpose of the personnel provisions of the charter.

c. Investigation and Enforcement. It shall be the duty and responsibility of the personnel board to:

- (1) enforce through the personnel director the observance of the rules and regulations made by the board;
- (2) investigate, either at the direction of the Select Board or upon the petition of an employee or a citizen for reasonable cause shown or of its own motion, concerning the enforcement and effect of the personnel policy or rules and regulations pertaining thereto; and

(3) take such other actions in furtherance of its duties to the extent permitted by law.

d. Preparation and Presentation of Personnel Policies. It shall be the duty and responsibility of the Personnel Board to prepare and present on the initiative of the Personnel Board, or at the request of the municipal officers, the personnel policies, together with rules and regulations thereto, which shall thereafter be enacted in accordance with the provisions of Article IV, Part B, Personnel Administration; Section 4(e) .

e. After public hearing and approval within seven (7) days of that public hearing by an affirmative vote of a majority of the Select Board, the Personnel Policies, and amendments to those personnel policies, together with rules and regulations thereto, shall be in effect and have the force and effect of law. Until enacted or amended, as set forth in the immediately preceding sentence, the Personnel Policies, together with the rules and regulations thereto, which have been enacted previously in accordance with the Charter to the Town of Camden, prior to this amendment of the Charter, shall remain in full force and effect as enacted, or as amended.

After public hearing and approval within seven (7) days of that public hearing by affirmative vote of a majority of the Select Board, the Personnel Policies, together with rules and regulations thereto shall be in effect and have the force and effect of law. Until enacted and set forth in the immediately preceding sentence, the Personnel Policies, together with rules and regulations thereto, which have been enacted previously in accordance with the Charter of the Town of Camden prior to this amendment of the Charter shall remain in full force and effect as enacted. (This section changed March 11, 1985)

#### **Section 5 Exempt Positions & Specially Classified Positions**

Except for the provisions pertaining to equal opportunity, affirmative action, non-discriminatory and investigatory provisions of this Act, the following persons and positions shall be exempt from the provisions of the Personnel Policies of the Town of Camden and the rules and regulations pertaining thereto, or shall be specially classified under those Personnel Policies:

a. elected officials including all persons chosen by popular election or appointed to fill an elective office shall be exempt;

b. Members of Boards and Commissions appointed by the Select Board, whether permanent or adhoc, shall be exempt;

c. The following designated positions in the Town: Registrar of Voters, Deputy Registrars of Voters, Sealer of Weights and Measures, Town Attorney, and Emergency Preparedness Defense Director, shall be exempt;

d. The following designated positions in the Town of Camden shall be "specially classified" positions: Town Manager, Police Chief, Fire Chief, Wastewater Superintendent, Head of Highway Department, Assessor's Agent, Code Enforcement Officer, Finance Supervisor, and Director of Parks and Recreation;

(1) Any position which is designated as "specially classified" shall be subject to the Personnel Policies of the Town of Camden and the rules and regulations pertaining thereto except to the extent that the "specially classified" employee has agreed with the Town of Camden as an employer in a written contract of employment to other terms and conditions of employment.

(2) In addition, the Select Board are authorized, upon recommendation of the Town Manager, to offer special employment benefits or conditions which vary from the provisions of the Personnel Policies of the Town of Camden. To the extent that any such variations or differences from the Personnel Policies of the Town of Camden are established by the Select Board, then any such variations or differences for such specially classified personnel shall be in writing, retained in the Personnel File of that employee and shall be reviewed annually.

(3) In the event that new department head positions are established after the enactment of this Charter Amendment, then the Select Board is authorized to designate any such new department head position as "specially classified" and subject to the provisions contained herein for specially classified personnel; and such designation of a new position as "specially classified" shall not require any additional amendment of this Charter.

**State Law Reference: 5 MRSA, Sec. 4551 et seq.**

## **PART C Assessment Administration**

### **Section 1 Assessors**

Assessors shall be the Select Board.

State Law Reference: 30 MRSA, Sec. 2060

### **Section 2 Assessors' Agent**

The Select Board may appoint an assessors' agent.

### **Section 3 Board of Assessment Review; Appointments; Vacancies**

There shall be a board of assessment review to consist of three(3) members appointed by the Select Board. The initial board of assessment review created by this Charter shall serve staggered terms, with one member appointed for one year, one member appointed for two years, and one member appointed for three years, so that continuity is provided. Thereafter, the term of each new member shall be three (3) years.

A majority of the members of the board shall be a quorum. The board shall elect its own chairman. Vacancies in the membership of such a board shall be filled by appointment by the Select Board for the unexpired term.

In addition, the Select Board shall appoint two (2) alternate members for the board of assessment review, who shall also serve staggered terms. Initially, one (1) alternate shall be appointed for one (1) year and the other alternate shall be appointed for two (2) years. Thereafter, the term of each alternate shall be three (3) years. During the absence of a regular member at any meeting, the chairman of the board of assessment review shall designate the alternate member who shall serve during the absence of the absent regular member.

Once a member or alternate member of the board of assessment review has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew the oath of office for that position annually.

State Law Reference: 30 MRSA, Sec. 2060; 36 MRSA, Sec. 843;30-A MRSA, Sec. 2526(6)  
Revised June 9, 1992

### **Section 4 Board of Assessment Review; Powers; Duties**

The board of assessment review shall have the power to:

- a. review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the board of assessors;
- b. administer oaths;

- c. take testimony;
- d. hold hearings; and
- e. adopt regulations regarding the procedure of assessment review.

## **PART D Legal: Town Attorney**

There shall be a town attorney appointed by the Select Board. He shall serve as chief legal advisor to the Board, the Town Manager, and all town departments, boards, and agencies with the approval of the Town Manager. The town attorney shall represent the Town in all legal proceedings and shall perform any other duties prescribed by ordinance and law. In addition, the Board may, from time to time, appoint other lawyers to assist the town attorney in matters of complexity or magnitude.

## **ARTICLE V Wastewater Department**

### **Section 1 Organization**

a. The Town of Camden is hereby authorized and empowered to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate a revenue-producing wastewater facility consisting of a sewer system or part thereof within or without or partly within and partly without the corporate limits of the Town of Camden, in accordance with Title 30, Section 4251 through 4456 of the Maine Revised Statutes Annotated of 1964 and any amendments thereto.

b. The system shall be known as the Camden Wastewater Disposal System. The original construction cost and any future replacement costs of any portion of the wastewater facility, including but not limited to buildings, sewer lines, force mains, pump stations or other appurtenant structures including replacement of sewer lines, shall be considered as capital improvements and funded by means other than users' service charges. The cost of operation and maintenance of the facility shall be derived solely from users' service charges and not from property taxation.

c. All ordinances, rules, and regulations presently existing pertaining to the wastewater facility shall remain in full force and effect until amended.

### **Section 2 Wastewater Commissioners**

The Select Board, acting as wastewater commissioners, are hereby authorized and empowered to perform all duties and functions authorized and established by state statute or law or by municipal ordinance for fulfilling the purposes outlined above.

### **Section 3 Meetings**

a. The wastewater commissioners shall hold an organizational meeting within twenty-four hours of their election at which meeting they shall establish a time and place for holding their regular meetings. \*They shall meet regularly at least once a month.\* The location of special meetings shall be determined by the commissioners, and shall be held at such time and place as is legal and proper to transact the necessary business at hand. (\*Amended November 6, 1990)

b. All meetings of the wastewater commission shall be open to the public.

c. The commissioners may by three-fifths vote recess for the purpose of discussing matters in closed or executive session to the extent that these matters are permitted deliberation as outlined in Title 1, Section 405(6), Maine Revised Statutes Annotated, and in accordance with that statute or any other applicable existing statute. Similar action on any matter taken up in such closed session, except those matters which are permitted or required by law to be acted upon in closed sessions, shall not be taken by the commissioners until such matter is placed on the , agenda of a regular or special meeting and voted upon thereat.



#### **Section 4 Compensation**

For their services as wastewater commissioners, the wastewater commissioners shall receive an annual salary of five hundred dollars (\$500) for each member. Members serving unexpired terms shall be paid on a prorated basis for time served. Wastewater commissioners shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office. (This section changed March 13, 1989)

#### **Section 5 Voting**

Voting, except on procedural motions, shall be by roll call, and the votes of each commissioner shall be recorded in the journal. Three members of the board shall constitute a quorum. No action of the commissioners shall be binding or valid unless adopted by affirmative vote of three-fifths of the members.

#### **Section 6 Rules, Record Keeping and Journal**

The commission shall determine at its organizational meeting its own rules and order of business to be followed by the commission for the ensuing year\*, such rules to be recorded and made available for public inspection and publication. The commission shall provide for the keeping of an accurate permanent recording of its meetings and for maintaining a journal of its proceedings, such recordings and journal to be public record.

#### **Section 7 Operation of Facility**

It shall be the duty and the responsibility of the Select Board, acting as wastewater commissioners at their organizational meeting, or as soon thereafter" as possible, to appoint the Town Manager as Chief Executive and Administrative Official of the Wastewater Department, and to appoint a superintendent of the Wastewater Department. The Town Manager, as Chief Executive and Administrative Official of the Wastewater Department shall have the following duties:

- a. report to and be directly responsible to the Select Board acting as wastewater commissioners for the administration of the department;
- b. see to the execution and enforcement of all laws and ordinances pertaining to the department;
- c. oversee the supervision and control of all personnel working for and in connection with the department;
- d. have the authority to oversee the appointment of subordinates or assistants;
- e. oversee the collection of necessary data for preparation of the annual budget, which budget together with supporting materials, is to be submitted directly to the wastewater commissioners prior to January 1 of the preceding year;
- f. be responsible for the preparation of articles pertaining to capital expenditures on sewer-related projects for inclusion in the town warrant;

g. be charged with the responsibility of establishing and carrying out purchasing procedures to be followed in connection with the operation and maintenance of the department within the framework of the operating budget as approved by the wastewater commissioners;

h. attend all meetings of the wastewater commission except when matters pertaining to his employment are being considered;

i. advise the wastewater commission on all matters pertaining to all capital improvements and other matters affecting wastewater disposal; and

j. be responsible to the commission for duties and responsibilities assigned to him by the commission in carrying out all capital improvements.

In addition to the duties and responsibilities specified for the town manager in this section of Article 5, the town manager shall have all other powers and duties as set forth in Article 3, Section 2 of this Charter where necessary for the execution of the duties and responsibilities of the town manager as set forth in this section of the Charter with reference to the wastewater department.

The Superintendent of the Wastewater Department shall have the following duties and responsibilities:

a. report to and be directly responsible to the town manager for the administration of the Wastewater Department;

b. supervise and control all personnel working for, and in connection with, the Wastewater Department, as directed by the town manager;

c. have the authority to appoint subordinates or assistants as directed or as delegated by the town manager;

d. be charged with the responsibility of assisting the town manager in collecting the necessary data for the preparation of an annual budget for submission to the Wastewater Commissioners prior to January 1 of the preceding year;

e. prepare and submit to the town manager data necessary for the preparation of articles pertaining to capital expenditures on sewer-related projects for inclusion in the town warrant, and necessary for preparation of any other articles for inclusion in the town warrant concerning the Wastewater Department;

f. assist the town manager in establishing and carrying out purchasing procedures to be followed in connection with the operation and maintenance of the department within the framework of the operating budget as approved by the Wastewater Commissioners;

g. attend all meetings of the Wastewater Commission except when matters pertaining to his employment are being considered;

h. In connection with the town manager to advise the Wastewater Commissioners on all matters pertaining to all capital improvements and other matters affecting wastewater disposal;

i. Be responsible to the town manager and to the Wastewater Commissioners for duties and responsibilities assigned to him by the Wastewater Commissioners or the town manager in carrying out all capital improvements; and,

j. Have the authority and responsibility for the day-to-day management of the Wastewater Department and the personnel of the Wastewater Department. (This section changed March 10, 1986)

## **Section 8 Planning**

The wastewater commission shall be charged with the responsibility of submitting a five-year plan to the planning board, as well as an annual update.

## **ARTICLE VI Financial Procedures**

### **Section 1 Fiscal Year**

The fiscal year\* of the Town shall begin on the first day of July and end on the last day of June of each year. For purposes of transition from the prior fiscal year there shall be a short fiscal year commencing on January 1, 1991, and ending on June 30, 1991. No later than September 30, 1990, the Select Board shall establish the dates for the Town Meeting for that transitional year, the dates for submission of the report of the Nominating Committee pursuant to Article I, Section 4(f) and the date for the submission of the budget by the Town Manager in accordance with Article VI, Section 3 of the Charter, for purposes of that transitional year. The Select Board shall be authorized to take such other action as necessary to conform the budgetary and financial procedures of the Town to the requirements of that short transitional fiscal year. (Amended March 12, 1990, effectively immediately)

State Law Reference: 30 MRSA, Sec. 5110

### **Section 2 Budget Committee**

In addition to articles in the town warrant for the election of officers required in the charter, there shall be an article for the election of a committee of citizens, representing all sections of the Town, to cooperate with the Select Board, Town Manager, treasurer, superintendent of schools, and chief of the fire department, in making recommendations concerning all articles in the warrant, especially those calling for appropriations; and this committee of citizens shall submit a report for consideration by the voters at the annual town meeting; said committee to be known as the Budget Committee, and shall consist of not less than twenty-one, nor more than twenty-five names. \*The Budget Committee may meet during the development of the proposed budget and shall meet upon completion of the proposed budget prepared by the Town Manager in order to review and to make recommendations concerning such budget. Prior to the adoption of a final budget by the Select Board to be included in a town warrant at the town meeting, the Budget Committee shall meet and adopt recommendations concerning such final budget; and those recommendations shall be reported to the Select Board prior to the final approval of the budget by the Select Board and those recommendations shall be included in the town warrant.

\* (Amended March 12, 1990, \*Amended November 6, 1990, effective January 1, 1991; amended June 11, 1996; amended Nov.4, 1997)

State Law Reference: 30 MRSA, Sec. 2061(4)

### **Section 3 Submission of Budget and Budget Message**

\*Not later than the third week in April, the Town Manager shall submit to the Select Board a budget for the ensuing fiscal year and an explanatory message. The Select Board shall review that budget in a preliminary manner and shall reconsider the budget for final approval after the Budget Committee has reported its recommendations to the Select Board; such final approval shall be in accordance with the provisions set forth in Section 6 below.

\*Amended in its entirety Nov.4, 1997.

#### **Section 4 Budget Message**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline his proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Manager deems desirable or the Select Board shall request.

#### **Section 5 Budget**

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by this charter, shall be in such form as the Manager deems desirable or the Select Board may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, and all proposed expenditures, including debt service, for the ensuing fiscal year; and be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year, and actual income and expenditures of the preceding fiscal year.

#### **Section 6 Board Action on the Budget**

a.\*Final Review and Approval. The budget prepared by the Town Manager shall be reviewed for final approval by the Select Board at a Select Board's meeting after the receipt of the recommendations of the Budget Committee. At such a meeting, the Board of, Select Board shall consider the recommendations of the Budget Committee and approve the proposed budget with or without amendment.

b. Publication of the Budget. The Select Board shall publish a general summary of the budget and the recommendations of the Budget Committee following the final adoption of the budget by the Select Board. Copies of the general summary of the budget and the Budget Committee's recommendations shall be available at the Town Office following the final approval of the budget by the Select Board and shall also be made available in the Town Report and at the town meeting.

c. Vote on Budget. The budget shall be included in appropriate articles in the Town Warrant and shall be voted upon at a Town Meeting. (\*Amended in its entirety Nov.6, 1997)

d. Adoption.

(1) An article shall be placed in the warrant to authorize expenditures chargeable to the appropriations for the year when adopted in amounts sufficient to cover the necessary expenses of the various departments, from the beginning of the fiscal year to the adoption of the warrant at town meeting.

(2) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the property tax thereby required; and

(3) A copy of the budget as finally adopted shall be certified by the Select Board and filed by them with the board of assessors whose duty it shall be to levy such taxes for the corresponding tax year.

#### **Section 7 Administration of Budget**

At such time as the Manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year and duly signed by the department head. The Town Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made.

#### **Section 8 Tax Anticipation Borrowing Guidelines**

In the event that the Town of Camden finds it necessary to borrow money in anticipation of taxes, the following guidelines shall be followed:

- a. Invitations to bid shall be extended to all local banks\* at the same time;
- b. Invitations shall be dated and delivered to the invited banks at least ten(10) complete banking days prior to the bid opening and awarding of the bid;
- c. Invitation to bid shall specify the maximum amount to be borrowed;
- d. The method of borrowing shall be clearly defined; i.e., as needed or lump sum;
- e. Invitation shall specify planned maturity dates of said notes, and may require the option to prepay;
- f. Invitation shall show estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump-sum basis.);
- g. Invitation shall state date, time and place bids are due, and shall indicate date bids will be opened and awarded;
- h. Invitation shall inform of the Town's right to accept or reject any or all bids, provided that it is in the Town's best interest to do so;
- i. Bidder shall be asked to submit interest rates in multiples of one-hundredth (1/100) of one percent (1%); and
- j. The Town must specify the method in which interest shall be calculated; i.e., actual number of days outstanding over a 365-day period.

State Law Reference: 30 MRSA, Sec. 5151

### **Section 9 Voter Authority**

The qualified voters of the Town shall have power under this article to require consideration or reconsideration of any budget item prior to adjournment.

### **Section. 10 Public Records**

Copies of the budget and the capital program as adopted shall be public records.

State Law Reference: 1 MRSA, Sec. 401 et seq.

### **Section 11 Lapse of Appropriations**

General fund appropriations, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement. Such funds shall be transferred to a surplus account. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

State Law Reference: 30 MRSA, Sec. 5201, Sec. 5202; 20-A MRSA, Sec. 15510

### **Section 12 Annual Audit**

The Town Manager shall each year appoint a certified public accountant or accountants with the approval of the Select Board for the purpose of conducting the annual audit of the prior fiscal year municipal finances, as authorized by law.

State Law Reference: 30 MRSA, Sec. 5253

### **Section 13 Long-Range Programs**

a. The planning board shall prepare, within eighteen months of the acceptance of this charter, a written five-year plan for submission to the Select Board. Upon acceptance of the plan by the Board, printed copies of the plan will be made available to the general public upon request.

b. The purpose of the five-year plan will be to provide long-range continuity to the Town for programs requiring more than a year to complete, and for capital appropriations of significant magnitude. It is the intent to have continuity in community programs that will surpass the normal changes in appointed and elected municipal personnel, and provide bench marks against which to evaluate community progress toward established goals.

c. The planning board shall prepare annually an update of the five-year plan to the Select Board. In addition to the update, the planning board will prepare a written comparison evaluation of the past year's actual performance as applied to the actions called for in the plan. These reports shall become part of the annual Town Report.

d. Any expenditure for planning, studying and consulting pertaining to five-year planning shall be raised within the Town's annual operational budget.

e. \*The Planning Board shall consist of five (5) members appointed by the Select Board. Each Planning Board member shall serve for a term of five (5) years. The initial Planning Board created by this Charter shall serve staggered terms, so that planning continuity is provided.

In addition, the Select Board may annually appoint two (2) alternate members for the Planning Board. The term of office for alternate members shall be one (1) year. During the absence of a regular member at any meeting, the Chairman of the Planning Board shall designate the alternate member who shall serve during the absence of the absent regular member.

With the exception of alternate members, once a member of the Planning Board has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew the oath of office for that position annually.

\*Adopted November 5, 1991.

State Law Reference: 30 MRSA, Sec. 4961



## **ARTICLE VII Nominations and Elections**

### **Section 1 Conduct of Elections (See Article 1, Sec. 4)**

The conduct of elections and the recount of ballots shall be in accordance with the provisions of Titles 21 and 30, Maine Revised Statutes Annotated.

### **Section 2 Nomination by Petition Method**

#### **a. Petitions**

(1) Candidates for election to any elective office whose names appear on a written ballot must be nominated by petition. Any qualified voter of the Town may be nominated for election by a petition signed by qualified voters of the Town, not less than seventy-five in number.

(2) The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his presence and that he believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to his signature the date of his signing and the street address where he resides.

b. Filing and Acceptance of Nomination Petitions. Completed nomination papers, including all separate papers comprising the nomination petition, shall be assembled and filed with the Town Clerk during business hours, in accordance with Title 30-A M.R.S.A., Section 2528 (4) (C) as that statutory provision may be amended from time to time. The clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of nomination.

c. Procedure After Filing Nomination Papers. Within five days after the filing of a nomination petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfied the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

State Law Reference: 30 MRSA, Sec. 2061

### **Section 3. Order of Candidates' Surnames**

Where two or more candidates have been nominated for any office, the names of such candidates shall appear on the ballot in the order determined by lot. The municipal clerk shall determine, by lot, the order that said candidate' names shall appear on the ballot. The proceedings shall be made public and the candidates shall be given an opportunity to be present.

(Repealed March 11, 1980. In conflict with Title 30, MRSA)

#### **Section 4 Determination of Election Results**

a. Number of Votes. Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.

b. Plurality. Election shall be determined by plurality vote. In case of a tie, a run-off election of those who tied shall be held within ten days on one notice, thereof, in a newspaper of general circulation in the Town.

#### **Section 5 Ballots for Ordinances**

An ordinance to be voted on by Australian ballot\* shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

State Law Reference: 30 MRSA, Sec. 2061(4), Sec. 2153

#### **Section 6 Voting Machines**

The Select Board may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with the law.

State Law Reference: 21 MRSA, Sec. 1061 et seq.

## **ARTICLE VIII General Provisions**

### **Section 1 Initiative and Referendum**

a. Definition. Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote.

State Law Reference: 30 MRSA, Sec. 2053

b. Procedure. The details of procedure by which both of these rights are fulfilled are described in Title 21, Section 1351 et seq. of the Maine Revised Statutes Annotated of 1964 and amendments thereto. Nothing in this charter shall be construed to diminish the rights granted by law.

### **Section 2 Elected or Appointed Officers: Terms**

The term of any elected or appointed officer shall begin not later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for his prescribed term or until his successor is elected or appointed.

### **Section 3 Swearing in Officers**

Every town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him to the Constitution and laws of the State of Maine, and the charter and ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: 30 MRSA, Sec. 2060(9)

### **Section 4 Personal Financial Interest**

a. Any official of the Town who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the Town, or in the sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an official, officer, or employee in making of such sale or in the making or performance of such contract.

State Law Reference: 30 MRSA, Sec. 2251

b. Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section, with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale voidable by the Select Board.

## **Section 5 Prohibitions**

a. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office, because of race, sex, or political or religious opinions or affiliations.

b. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under any personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

State Law Reference: 5 MRSA, Sec. 4551 et seq.

## **Section 6 Separability**

If any provision of this charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE IX Transitional Provisions**

### **Section 1 Effective Date**

After adoption, this charter shall become effective for all purposes on and after the first day of the next succeeding municipal year.

### **Section 2 First Select Board**

a. Members. All members serving on the Board at the effective date of this charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

b. Salaries. Initially, each Board member shall receive a salary at the existing rate on the effective date.

### **Section 3 Temporary Ordinances**

All existing codes, ordinances, and policies including the by-laws of Atlantic Engine Company #2 and those of the police department will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this charter.

### **Section 4 Officers, Employees, and Board Members**

a. Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the right or privileges of persons who are town officers or employees at the time of its adoption.

b. Continuance of Office or Employment.

(1) Except as specifically provided by this charter, if at the time this charter takes full effect a town administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he shall continue in such office or position until the taking effect of some specific provision under this charter directing that he vacate the office or position.

(2) All established boards and committees not inconsistent with this charter shall continue in effect until changed by Board action, and the incumbent members shall serve their appointed terms or until replaced.

c. Personnel System. An employee holding a town position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for under this charter.

### **Section 5 Departments, Offices, and Agencies**

a. If a department, office, or agency is abolished by or under this charter, the powers and duties given it by law shall be transferred to the town department, office, or agency designated in this charter, or if the charter makes no provision, designated by the Board.

b. Property and Records. All property, records, and equipment of any department, office, or agency existing when this charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties; but, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices, or agencies designated by the Select Board in accordance with this charter.

#### **Section 6 Pending Matters**

All rights, claims, action, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this charter.

#### **Section 7 State and Municipal Laws**

All town ordinances, resolutions, orders, and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this town or its agencies, officers, or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

## **ARTICLE X Final Report of the Charter Commission to the Town of Camden**

The first duty of the Commission, after organization in May of 1977, was to analyze the contents of the 1934 charter to determine its value with reference to the present municipal government. The old charter was found to be inadequate because of its lack of detail, its outdated provisions in relation to modern, efficient methods of administration, and its inability to offer direction to the functioning of most departments, some of which were not even in existence forty-four years ago.

Since the Select Board represents the most important unit of municipal responsibility outside the legislative body, its duties and powers have been emphasized in this document, primarily in Article II. May it be clearly understood that no section of this charter has been formulated to direct criticism toward any member or members of the present Board. Rather, the directives that refer to their activities deal with Select Board in general and at no particular time.

A major change regarding voting procedures by the Select Board has been effected by the inclusion of Article II, Section 12c, which requires at least three affirmative votes to make any action valid. It was felt that too much power now rests in a quorum majority of two (This same requirement may be noted as also present in the other five-member town boards.) Other changes have been set forth in Article II, (Sections 8, 12, 17) which will hopefully result in the keeping of more accurate records of Board meetings. Because a secretary can rarely make detailed notes while simultaneously participating in discussion, a competent system of recording the full text of official business must be devised, thus providing an authoritative summary for future reference. And to correct a situation which has resulted all too often in awkward delays, provision has now been made in Article II, Section 4F to facilitate the payments by voucher.

Improved relations between Board Members, department heads, and other employees can undoubtedly be obtained if the policies that are prescribed in Article II, Section 9 are followed, where a clearer division of duties is given to forestall interference and overlapping of responsibility. It is hoped that even without charter provisions, Select Board will become better acquainted, when necessary, with the functions of all departments in order to become more knowledgeable regarding their activities.

Because the duties of the Town Manager are well defined by state law (Article III, Section 2), little additional stipulation has been made. However, a communication was favorably received by the Manager from this Commission recommending more exact purchasing procedures.

Such topics as initiative and referendum (Article VIII, Section 1) contain few details in this charter because they too are well governed by state law, but considerable space has been allocated for requirements concerning both the personnel and wastewater departments. With reference to the former, the members of this Commission realized the need for a closer scrutiny of all factors in relation to town employees who are appointed. The personnel board (Article IV, Part B) would set standards for both the qualifications of individuals seeking office and their performance at work. As for the wastewater department, which is not tax supported, much thought was given to clarification

of its functions, for a broader understanding by the public at large. Since the Select Board members are the wastewater commissioners, it seemed judicious to separate their respective duties (Article V, Section 2), with a stipend to be given apart from that earned as Select Board (Article V, Section 4). It was also felt that in the operation of the facility the superintendent of the wastewater department should report directly to the commissioners (Article V, Section 7).

And by formulating a board of assessment review, the Commission has provided one more course of action open to the people by which differences may be resolved.

No question under study this year by the Charter Commission has demanded more time and consideration, however, than the one regarding appointment or election of the town treasurer, tax collector, and clerk. For instance, if the Commission voted for appointment, would the people understand the reasons for negating the mandate for election as voted previously three times? The following advantages for appointed officers were weighed: (1) the availability of more citizens interested in the positions (2) a more direct control by the Town Manager of office personnel; (3) less expense and smoother transitions when vacancies occur and (4) the opportunity for the personnel board to recommend qualified applicants, not necessarily popular ones who are sometimes elected. So for these reasons, the members of the Commission unanimously voted to change the three positions to be appointive rather than elective, but with the provision for the election of these officers by affirmative vote of the Town (Article 1, Section 4g).

As soon as a new charter is accepted, the ordinances should be studied and similarly updated to "match" the more recently adopted provisions. If this charter is favorably received, it will go into effect January 1, 1979. If it is rejected, another Commission must be established and given a year in which to produce still another charter.

Two hundred years ago the French philosopher Rousseau said "Good laws lead to the making of better ones; bad ones bring about worse." The members of the Charter Commission are grateful to the citizens of this community for the trust placed in them to produce a document that will provide a more efficient government for the Town of Camden. Our hope is that we have not failed in that responsibility.

Respectfully submitted,  
TOWN OF CAMDEN CHARTER COMMISSION

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Frank G. Morong

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William F. Leonard, Sr.

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Historical Note: Adopted March 13, 1978, effective date January 1, 1979; and amended March 11, 1980; amended June 11, 1996. Original charter date was April 11, 1934.

State Law Reference: Title 30, Sec. 1911 et seq.



## GLOSSARY

Australian ballot ---a secret written ballot that lists the subject matter at issue

Board ---Select Board, when word is capitalized

Capital expenditure ---the expenditure of funds for assets of a permanent or fixed nature

Codification ---the process of collecting or arranging the laws of the Town into a code i.e. into a complete system of positive law.

Ensuing year ---one year from a stated date

Fiscal year ---the year by which accounts are reckoned

Legislative body ---voters of the Town

Local banks ---banks that maintain banking facilities within the Town of Camden

Manager ---Town Manager

Overseers---supervisors, public officers whose duties involve general superintendence of the inhabitants of the municipality with monies furnished to them by the public authority

Qualified voter ---any person qualified and registered to vote under law in the Town of Camden

Recording ---a relatively permanent physical record

Resident ---a person occupying a residence within the Town with intent to make that place his permanent home

Town ---Camden

Town officer ---one who is invested with some portion of the functions of the government to be exercised for the public benefit

Town officials ---The Select Board

(Black's Law Dictionary was used as a reference in defining some of these terms.)